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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,671	02/25/2002	Charles Edward Anderson IV	1875.1990000	8173

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EXAMINER

PATEL, CHIRAG R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/080,671	Applicant(s) ANDERSON, CHARLES EDWARD	
	Examiner Chirag R. Patel	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/06</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed February 24, 2006 have been fully considered but they are not persuasive. A discussion is provided below.

Referring to claim 1, Hitema, per (Figure 3: item 310, Col 3 lines 44-55) discloses local cache server containing a large portion of the DNS data is interpreted a memory that stores files. Hitema discloses "Thus, in most cases, requests from local computers 110 will be serviced directly by local cache servers 310" was interpreted as searching files in the memory to identify frequently accessed domain names and to provide said communication interface for transmission to said network gateway"

Network Gateway: The mention of the IP network as mentioned in the response was not present in the claimed language, reading claims in light of disclosure per [0008], "As used herein, the term "network gateway" refers to any device that interfaces one or more CPE devices to a network, including but not limited to an IP network." Figure 3 shows a cloud between items 110 and 310, and local cache server serves the response over the interface to the interface (as interpreted as network gateway) for the local computer.

As far as frequently accessed domain names: Hitema discloses per Col 3: lines 18-27 "Local cache server 310 includes a most frequently used domain names (MFU DNS) table 320" and as stated above gets sent over the interface over the interface to the interface (as interpreted as network gateway) for the local computer.

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As for claims 10, 21, 30, the same line of reasoning or rationales applies for these independent claims. The rejections for dependent claims are maintained due to the same rationale as the independent claims. For at least these above reasons, the examiner maintains the current prior art as reading the claims in light of the specifications.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 7-10, 13-14, 16-22, 24-25, 27-33, 35-40, and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Huitema (US 6,016,512).

As per claims 1, 22, and 39, Huitema discloses a customer premises equipment, comprising:

a memory that stores files; a communication interface for transmitting information to a network gateway; and a processor coupled to said memory and said communication interface; (Col 3 lines 17-27, inherent to Figure 3, item 310)

wherein said processor is configured to search said files in the memory to

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identify frequently accessed domain names and to provide said frequently accessed domain names to said communication interface for transmission to said network gateway. (Col 3 lines 17-27)

As per claims 4 and 13, Huitema discloses the method of claim 10, wherein said searching files comprises searching files associated with a Web browser. (Col 5 lines 25-35)

As per claims 5, 14, 25, 33, and 40, Huitema discloses the method of claim 10, wherein said searching files comprises searching files associated with a Web browser. (Col 5 lines 5-25)

As per claims 7, 16, 27, 35 and 42, Huitema discloses the method of claim 10, wherein said providing said frequently accessed domain name to the network gateway comprises packetizing said frequently accessed domain name and transmitting said packetized information to the network gateway. (Col 5 lines 15-25)

As per claims 8, 17, 28, 36 and 43, Huitema discloses the method of claim 10, wherein said providing said frequently accessed domain name to the network gateway comprises storing said frequently accessed domain name in a management information base and providing said management information base to the network gateway. (Col 5 lines 15-25)

As per claims 9, 18, 29, 37 and 44, Huitema discloses the method of claim 10, wherein said transmitting said domain name system query from the network gateway to a network for resolution comprises transmitting said domain name system query to a domain name server on said network for resolution. (Col 4 lines 25-35)

As per claims 10 and 21 Huitema discloses a method for selectively caching domain name system information on a network gateway that includes a cache, wherein the network gateway is attached to a customer premises equipment that includes a memory, comprising:

searching files in the memory to identify a frequently accessed domain name; providing said frequently accessed domain name from the customer premises equipment to the network gateway; (Col 2 lines 34-41, Col 3 lines 17-26)

generating, in the gateway, a domain name system query that includes said frequently accessed domain name; (Col 2 lines 34-41, Col 3 lines 17-26)

transmitting said domain name system query from the network gateway to a network for resolution; (Col 5 lines 15-35, Figure 5)

receiving, in the gateway, a response to said domain name system query from said network that includes said frequently accessed domain name and a corresponding IP address; and (Col 5 lines 15-35, Figure 5)

storing said frequently accessed domain name and said corresponding IP address in the cache. (Col 4 lines 36-51)

As per claims 19 and 38, Huitema discloses the method of claim 10, wherein said generating a domain name system query comprises generating a domain name system query in accordance with an iterative resolution protocol. (Col 3 lines 27-43, protocol being DNS)

As per claim 20, Huitema discloses the method of claim 10, further comprising: receiving, in the network gateway, a domain name system query from the customer premises equipment; and resolving, in the network gateway, said domain name system query from the customer premises equipment using a domain name and corresponding IP address stored in the cache. (Col 5 lines 25-35)

As per claims 23 and 31, Huitema discloses the customer premises equipment of claim 22, wherein said memory comprises a hard disk drive. (Col 3 lines 17-27, 3 million records in its database)

As per claims 24 and 32, Huitema discloses the customer premises equipment of claim 22, wherein said communication interface is a home phoneline network interface, an Ethernet interface or a Universal Serial Bus interface. (Col 3 lines 17-27)

As per claim 30, Huitema discloses a system for selectively caching

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domain name system information in a network gateway, comprising: a customer premises equipment (CPE) including a memory that stores files, a communication interface for transmitting information over a communication path, and a CPE processor coupled to said memory and said communication interface, wherein said CPE processor is configured to search said files to identify a frequently accessed domain name and to provide said frequently accessed domain name to said communication interface for transmission over said communication path; and (Col 3 lines 17-27)

a network gateway including a cache, a CPE interface for receiving information over said communication path, a network interface for transmitting information over a network, and a gateway processor coupled to said cache, said CPE interface, and said network interface, said gateway processor configured to receive said frequently accessed domain name from said communication path via said CPE interface, to generate a domain name system query that includes said frequently accessed domain name, to provide said query to said network interface for transmission to a network for resolution, to receive a response to said query from said network via said network interface that includes said frequently accessed domain name and a corresponding IP address, and to store said frequently accessed domain name and said corresponding IP address in said cache. (Col 2 lines 34-41, Col 3 lines 17-26, Col 4 lines 36-51, Col 5 lines 15-35, Figure 5)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema (US 6,016,512) in view of Majewski et al. –hereinafter – Majewski (US 2002/0126812).

As per claims 2 and 11, Huitema discloses the method of claim 10, wherein the customer premises equipment runs an operating system. (Col 3 lines 17-27, inherent to the computer 110) Huitema fails to disclose wherein searching and providing are initiated during start-up of said operating system. Majeswski discloses wherein said searching and said providing are initiated during start-up of said operating system. ([0094]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to search and provide during start-up of said operating system. The motivation for doing do would have been to transfer large amounts of data from a number of mainframe systems to a central data base in a timely manner with minimal human involvement. ([0017])

As per claim 3 and 12, Huitema discloses the method of claim 10, wherein the customer premises equipment runs an operating system. (Col 3 lines 17-27, inherent to

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the computer 110) Huitema fails to disclose wherein the customer premises equipment runs an operating system, and wherein said searching and said providing are initiated periodically by said operating system. Majeswski discloses wherein the customer premises equipment runs an operating system, and wherein said searching and said providing are initiated periodically by said operating system. ([0094], scheduler) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to periodically search and provide in the disclosure of Huitema. The motivation for doing do would have been to transfer large amounts of data from a number of mainframe systems to a central data base in a timely manner with minimal human involvement. ([0017])

Claims 6, 15, 26, 34, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema (US 6,016,512) in view of Evgey (US 2002/0120783).

As per claims 6, 15, 26, 34 and 41, Huitema discloses the method of claim 10. Huitema fails to disclose searching files associated with an electronic email application. Evgey discloses wherein said searching files comprisses searching files associated with a Web browser. ([0035]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to search files associated with an electronic email application in the disclosure of Huitema. The motivation for doing do would have been for the file to become a depository and a source for other recipients. ([0035])

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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(toll free).



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SUPERVISORY PATENT EXAMINER